

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Eva Owens and Lara Rogers,

Plaintiffs,

vs.

Michael B. Ronemus,

Defendant.

CV

COMPLAINT & JURY DEMAND

Plaintiffs, Eva Owens, and Lara Rogers, by and through their attorneys, John H. Fisher, P.C., as and for a Complaint against the defendant, allege that at all times hereinafter mentioned:

JURISDICTION AND VENUE

1. Jurisdiction is based upon diversity of citizenship pursuant to 28 U.S.C. Section 1332.
2. The amount in controversy exceeds, exclusive of interest and costs, the sum of \$75,000.00.
3. Plaintiff, Eva Owens, resides in the State of Washington.
4. Plaintiff, Lara Rogers, resides in the State of Washington.
5. Defendant, Michael B. Ronemus's, principal place of business is in the City of New York, County of New York, State of New York.

FACTUAL ALLEGATIONS

6. This is an action for personal injuries sustained at the rental property known as "Creando Olas" on April 12, 2021.
7. The incident complained of herein occurred on April 12, 2021 at a rental property known as "Creando Olas" located in the Village of Troncones, State of Guerrero, Mexico (hereinafter referred to as "Creando Olas").

8. Upon information and belief, defendant, Michael B. Ronemus, was the owner of the rental property under the name “Creando Olas”.
9. Defendant owned, operated and maintained the premises known as “Creando Olas”.
10. “Creando Olas” is a vacation rental property located in Playa La Saladita, in the State of Guerrero, Mexico.
11. “Creando Olas” was advertised to potential renters online.
12. “Creando Olas” was marketed as a “beachfront modern luxury villa with pool” and “beach house living at its best”.
13. Defendant had a duty to ensure that the property known as “Creando Olas” was reasonably safe for lessees.
14. Plaintiff, Eva Owens, leased the premises in question for the week of April 10, 2021 through April 17, 2021.
15. Plaintiff, Eva Owens, paid rent to the defendant for the rental property.
16. On April 12, 2021, the plaintiff, Eva Owens, was lawfully occupying the premises known as “Creando Olas” as a lessee.
17. On April 12, 2021, defendant was the lessor of the premises known as “Creando Olas”.
18. On April 12, 2021, while the plaintiff Eva Owens was leaning against a wooden stairway railing on the outside edge of the stairs, the stairway railing collapsed causing Ms. Owens to fall to the ground below.
19. As a result of the fall, plaintiff, Eva Owens, sustained severe personal injuries and damages.
20. One or more of the exceptions set forth in CPLR section Sixteen Hundred Two applies to this action or claim for damages.

FIRST CAUSE OF ACTION

21. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "20" above with the same force and effect as if more fully set forth here, and further allege:
22. Defendant breached a duty of care owed to the plaintiff, Eva Owens.
23. Defendant's negligence was the direct and proximate result of plaintiff, Eva Owens's injuries.
24. Defendant, through his agents, servants and/or employees, knew or should have known that the stairway railing was not properly installed and/or maintained.
25. Defendant breached a duty to the plaintiff, Eva Owens by negligently, carelessly, and improperly designing, constructing, installing, servicing, repairing, inspecting and failing to warn of the dangers associated with the subject stairway railing.
26. The insufficiencies, inadequacies, and/or defects of the subject stairway railing located at "Creando Olas" were unknown to the plaintiff, Eva Owens at the time of incident.
27. As a result of the defective, unsafe and hazardous condition caused by the negligent stairway railing, plaintiff, Eva Owens sustained serious injuries
28. By reason of the facts aforesaid, the plaintiff, Eva Owens, has been damaged in a sum of money having a present value of up to Five Million (\$5,000,000.00) Dollars.

SECOND CAUSE OF ACTION

29. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "28" above with the same force and effect as if more fully set forth here, and further allege:

30. Plaintiff, Lara Rogers, is the spouse of plaintiff, Eva Owens, and as such was and is entitled to the services, society, companionship, consortium and support of her wife, Eva Owens.
31. That by reason of the foregoing, plaintiff, Lara Rogers, has been deprived of the services, society, companionship, consortium and support of the plaintiff, Eva Owens, and shall be deprived of said services, society, companionship, consortium and support.
32. By reason of the facts aforesaid, plaintiff, Lara Rogers, has been damaged in a sum of money having present value of up to Two Million (\$2,000,000.00) Dollars.

WHEREFORE, the plaintiffs demand judgment against the defendant:

- (a) On the First Cause of Action, in a sum of money having a present value of up to Five Million (\$5,000,000.00) Dollars;
- (b) On the Second Cause of Action, in a sum of money having a present value of up to Two Million (\$2,000,000.00) Dollars;
- (c) Together with the costs and disbursements of this action, and such other and further relief as the Court deems appropriate.

Dated: April 11, 2023

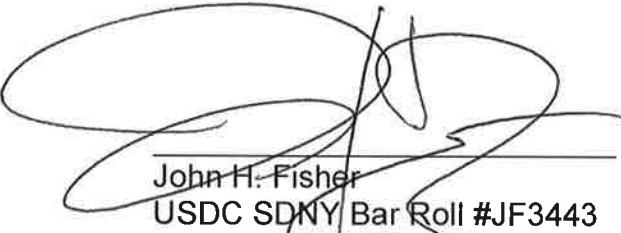
A large, stylized handwritten signature in black ink, appearing to read 'John H. Fisher', is written over the typed name and address.

John H. Fisher
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JURY DEMAND

COMES NOW, the plaintiffs, Eva Owens and Lara Rogers, by and through their attorneys, John H. Fisher, P.C., and demand trial by jury of the above-entitled action.

Dated: April 11, 2023



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